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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,945	11/15/2001	Jason F. Hunzinger	09752-104001	5935

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

EXAMINER

GELIN, JEAN ALLAND

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,945

Applicant(s)

HUNZINGER, JASON F.

Examiner

Jean A Gelin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-19, 21-27 is/are rejected.
- 7) ☒ Claim(s) 8 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the Applicant's amendments and arguments filed on September 21, 2004 in which claims 1, 8, 9, 13, 20, and 21 have been amended; claims 25-27 have been added. Claims 1-27 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-19, and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irvin (US 6,360,101) in view of Gustafsson (US 6,351,647).

Regarding to claims 1, 13, Irvin teaches a method of providing a terminal with location-based actions in a communications network (col. 1, line 43 to col. 2, line 15)) comprising: storing at least a first set of location information (col. 4, lines 7-17); associating a terminal action with said first set of location information (col. 4, lines 18-34); and executing the associated terminal action when a current terminal location information is within a specified range of the first set of location information (col. 4, line 60 to col. 5, line 24).

Irvin does not specifically teach the location information is a communication parameter that is unique to a location but is not geocoordinate.

However, the preceding limitation is known in the art of communications. Gustafsson teaches the location information in a mobile communication system is used

as a parameter for application on the geographic location; the location information identifies the geographic location of the base station, which receives by the mobile station (col. 3, lines 33-36, col. 4, lines 1-24). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the techniques of Gustafsson within the system of Irvin in order that the user of the mobile station does not need to determine the geographic area he/she is located in when ordering the service.

Regarding to claims 2, 14, Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches defining a direction specification associated with said terminal action (i.e., arriving at a location and traveling away the location, col. 6, lines 12-21), comparing said terminals direction of motion relative to said first set of location information with said direction specification associated with said terminal action (col. 5, lines 25-37), executing said terminal action only if said direction specification matches with current terminal direction of motion relative to said stored first set of location information (col. 5, lines 37-46).

Regarding to claims 3, 15, Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches wherein said direction specification parameter is selected from the group consisting of exiting, entering, and both entering and exiting (i.e., sending a message upon arrival and travel away, col. 5, lines 25-30, col. 6, lines 12-21).

Regarding to claims 4, 16, Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches applying hysteresis to direction changes to avoid thrashing (i.e., within col. 6, lines 12-22).

Regarding to claims 5, 17, Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches wherein said first set of location information is the current location information of said terminal when the user is associating said terminal action (col. 4, line 60 to col. 5, line 55).

Regarding to claims 6, 18, Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches wherein associating said terminal action with a set of location information is done after storing said location information (col. 5, line 25 to col. 6, line 10).

Regarding to claims 7, 19, Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches associating a description with each set of stored location information (col. 5, lines 1-24); and selecting a stored set of location information to associate with said action based on the associated description (col. 5, lines 1-55).

Regarding to claims 9, 21, Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches wherein said location information consists of at least one of the elements selected from the group consisting of base station identifier, pilot signal strength, pilot signal Pseudo Noise offset, multi-path profile, signal conditions, location identification, location name and area name (col. 4, lines 7-59).

Regarding to claims 10, 22, Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches comprising determining said location information without an active connection to said network (col. 4, lines 6-43).

Regarding to claims 11, 23, Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches wherein said location information is represented using at

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least one of the parameters selected from the group consisting of radius, network parameter, geometric shape, size, range, orientation, and height (col. 4, lines 25-43).

Regarding to claims 12, 24, Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches obtaining time information; associating said action with both said first set of location information and said time information (col. 5, line 56 to col. 6, line 21); and executing said stored terminal action only if said time information matches a current time (col. 5, line 56 to col. 6, line 21).

Regarding to claim 25 Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches comparing current terminal location to the first set of location information when a parameter or condition occurs (col. 5, lines 1-49).

Regarding to claim 26 Irvin in view of Gustafsson teaches all the limitations above. Irvin further teaches triggering an action when the current terminal location no longer matches the first set of location information and not periodically (col. 5, line 50 to col. 6, line 11).

Regarding to claim 27 Irvin in view of Gustafsson teaches all the limitations above. Gustafsson further teaches determining the current terminal location without using a position receiver (col. 4, lines 1-5 and 25-27).

Allowable Subject Matter

3. Claims 8 and 20 are allowed.

Response to Arguments

4. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tell et al.	US 6,205,326	03/20/2001
Soliman	US 6,542,743	04/01/2003

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A Gelin whose telephone number is (703) 305-4847. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGelin
January 11, 2005

JEAN GELIN
PRIMARY EXAMINER

